

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DONNIE ANDERSON,)
Plaintiff,)
v.)
NISSAN NORTH AMERICA, INC.,)
Defendant.)
Case No. Case 3:14-cv-01319
Judge Trauger
Magistrate Judge Brown

INITIAL CASE MANAGEMENT ODRER

A. JURISDICTION: This Court has jurisdiction over this action pursuant to 29 U.S.C. § 216(b) and 28 U.S.C. §1331.

B. BRIEF THEORIES OF THE PARTIES:

1) PLAINTIFF:

Plaintiff employee worked for Defendant employer. Often, if not always, Plaintiff worked more than 40 hours each workweek. Plaintiff was not compensated at one and one half times his regular rate of pay for these hours worked in excess of 40 as required by the FLSA. Plaintiff did not fall under one of the exemptions to the Fair Labor Standards Act.

2) DEFENDANT:

Plaintiff was properly classified as exempt under 29 U.S.C. § 213(a). As a result, Plaintiff is exempt from the overtime provisions of the Fair Labor Standards Act.

C. ISSUES RESOLVED: Jurisdiction and venue.

D. ISSUES STILL IN DISPUTE: Liability and damages.

E. INITITAL DISCLOSURES: The parties shall exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before October 10, 2014.

F. DISCOVERY: The parties shall complete all written discovery and depose all fact witnesses on or before May 15, 2015. Discovery is not stayed during dispositive motions, unless ordered by the court. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Trauger.

G. MOTIONS TO AMEND: The parties shall file all Motions to Amend on or before February 13, 2015.

H. DISCLOSURE OF EXPERTS: The plaintiff shall identify and disclose all expert witnesses and expert reports on or before March 13, 2015. The defendant shall identify and disclose all expert witnesses and reports on or before April 13, 2015.

I. DEPOSITIONS OF EXPERT WITNESSES: The parties shall depose all expert witnesses on or before May 29, 2015.

J. JOINT MEDIATION REPORT: The parties shall file a joint mediation report on or before May 1, 2015.

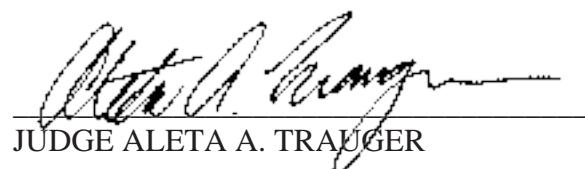
K. DISPOSITIVE MOTIONS: The parties shall file all dispositive motions on or before July 15, 2015. Responses to dispositive motions shall be filed within twenty (20) days after filing of the motion. Optional replies may be filed within ten (10) days after the filing of the response. Briefs shall not exceed 20 pages. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

L. ELECTRONIC DISCOVERY: The parties have not yet determined whether there is any need to conduct electronic discovery. If there is a need, the parties will work

together to determine an acceptable form of document production. If a party identifies any confidential document(s), before disclosure the disclosing party will draft a proposed Protective Order for their protection; no objection will be raised to the proposed protective order without good cause. Therefore, the default standard contained in Administrative Order No. 174 need not apply to this case.

M. ESTIMATED TRIAL TIME: The parties expect the trial to last approximately 3 days.

It is so **ORDERED**.



JUDGE ALETA A. TRAUGER

APPROVED FOR ENTRY:

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